

REMARKS

Claims 19-27 and 37-38 are pending in this application. By this amendment, the applicants have canceled claims 28-26, and have amended independent claims 19 and 37 to include all of the limitations of the allowable dependent claim 28. The Applicants respectfully submit that amended claims 19 and 37 do not contain new matter and that the invention, as defined by claims 19-27 and 37-38, is patentable over the prior art.

Based upon the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §112 REJECTIONS AND “FORMAL” MATTERS

The Examiner asserts that claims 19, 29, and 37 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, at page 3 of the Office Action, mailed August 25, 2009, the Examiner stated: “With claim 19, the last two limitations are written in the alternative”, and “Claim 37 is additionally rejected because it recites ‘computer readable program code’ within a method claim”.

As noted above, the Applicants have amended claims 19 and 37, and canceled claim 29, so as to overcome the 35 U.S.C. §112, second paragraph rejection. The Applicants respectfully submit that the above amendments to each of the respective claims provides the clarification sought by the Examiner.

In view of the foregoing, the Applicants respectfully request that the Examiner’s 35 U.S.C. §112 rejection of claims 19, 29, ad 37 be withdrawn.

II. THE 35 U.S.C. §102 REJECTIONS

The Examiner asserts that claims 19-24, 29-34, and 36-38 are anticipated by Callaghan, et al., U.S. Patent No. 7,304,402 (hereinafter “Callaghan”). As noted above, the Applicants have amended claims 19 and 37, and canceled claims 28-36 so as to overcome the 35 U.S.C. §102 rejections with respect to the aforementioned claims. The Applicants further submit that claims 20-24, which depend either directly or indirectly from independent claim 19, so as to include all of the limitations of independent claim 19, are also patentable over the prior art as the aforementioned claims 20-24 depend from allowable subject matter. The Applicants also submit that claim 38, which depends either directly or indirectly from independent claim 37, so as to include all of the limitations of independent claim 37, are also patentable over the prior art as claim 38 depends from allowable subject matter.

In view of the foregoing, the Applicants respectfully request that the Examiner’s 35 U.S.C. §102 rejection of claims 19-24, 29-34, and 36-38 be withdrawn.

III. THE 35 U.S.C. §103 REJECTIONS

The Examiner asserts that claims 25, 26, and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Callaghan, in view of Applicant’s Admitted Prior Art (APA). The Examiner further asserts that claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Callaghan, in view of Official Notice

As noted above, the Applicants have canceled claims 28-36 and amended independent claim 19 so as to more clearly distinguish the invention, as defined by such claims, over the prior art. The Applicants therefore respectfully submit that the invention, as claimed in claims 19-27 and 37-28, is patentable over the known prior art.

The Applicants respectfully submit that Callaghan, Official Notice, and any combination thereof, do not disclose, teach, or suggest a method comprising “processing or storing information regarding a purchase or an acquisition of a first product or a first service by a user”, “wherein the information regarding the purchase or the acquisition is processed by or stored by a first processor associated with a first web site”, “wherein the purchase or the acquisition of the first product or the first service is made in response to an offer associated with the first web site”, “wherein the purchase or the acquisition of the first product or the first service is performed by the user via a computer associated with or used by the user”, “placing a cookie on the computer”, “wherein the cookie is placed on the computer by the first web site or by the first processor”, “wherein the cookie contains information regarding the first web site and information indicating that the user has purchased or acquired the first product or the first service from or via the first web site”, “providing a uniform resource locator (URL) offering a second product or a second service”, “wherein the URL is provided by a second web site or by a second processor associated with the second web site”, “wherein the URL specifies a program on or associated with the second web site”, “receiving a signal indicative of an activation of the URL”, “reading or processing information contained in the cookie in response to the activation of the URL”, “wherein the information contained in the cookie is read or processed using the program”, “determining whether or not the user has previously purchased or acquired the first product or the first service and determining whether or not the user has previously purchased or acquired the second product or the second service”, “redirecting the user from the second web site to the first web site if it is determined that the user has previously purchased or acquired the first product or the first service and providing an offer from the second web site to sell the second product or the second service to the user if it is determined that the user has not previously

purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, “wherein the first product is a same product as the second product or the first service is a same service as the second service”, all of which are specifically recited features of independent claim 19.

In view of the foregoing, the Applicants respectfully submit that Callaghan, Official Notice, and any combination of same, do not disclose, teach, or suggest, all of the specifically recited features of independent claim 19, and, therefore, the invention, as defined by independent claim 19, is patentable over Callaghan, Official Notice, and any combination thereof.

The Applicants further submit that claims 25-27, all of which depend either directly or indirectly from independent claim 19, and therefore include all of the limitations of independent claim 19, are also patentable over the prior art as they depend from allowable subject matter.

IV. CONCLUSION

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending claims 19-27 and 37-38 is, therefore, respectfully requested.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney to discuss the same.

Respectfully submitted,

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